

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KEVIN D. HARDWICK,

Plaintiff,

v.

3M COMPANY, *et al.*,

Defendants.

CIVIL ACTION NO. 2:18-cv-1185

Chief Judge Edmund A. Sargus, Jr.

Chief Magistrate Judge Elizabeth A. Preston
Deavers

DEFENDANT AGC CHEMICALS AMERICAS, INC.'S INITIAL DISCLOSURES

Defendant AGC Chemicals Americas, Inc. (“AGCCA”), by and through its attorneys, submits the following initial disclosures (the “Disclosures”) pursuant to Fed. R. Civ. P. 26(a)(1) in the above-captioned lawsuit.

AGCCA makes these Disclosures after reasonable investigation and based upon the information presently available to it, and AGCCA’s understanding of the allegations in Plaintiffs’ First Amended Complaint, DE 96 (April 16, 2019) (the “Amended Complaint”). AGCCA has not completed its investigation of the claims or defenses alleged in this lawsuit and, as such, anticipates that further investigation and analysis is likely to lead to additional information. By making these Disclosures, AGCCA does not represent that it is identifying every document, tangible thing, or witness that it may use to support its defenses asserted in this lawsuit. Accordingly, AGCCA reserves the right to supplement these Disclosures pursuant to Rule 26(e) as appropriate and necessary during the course of discovery and as proceedings move forward in this lawsuit, as the scope of the parties’ claims and defenses becomes more definite, particularly if the putative class is certified.

(i) The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment:

Mr. Kevin D. Hardwick
Address and telephone number unknown
Information regarding plaintiff's alleged injuries and exposures to PFAS-containing materials

All AGCCA persons listed below shall be contacted only through counsel for AGCCA:

Dr. Evan D. Laganis
Sustainability Officer
AGC Chemicals Americas, Inc.
55 East Uwchlan Avenue
Suite 201
Exton, Pennsylvania 19341
Information regarding AGCCA products, PFAS toxicology and environmental reports and studies, and product stewardship

Mr. William Lillis
President
AGC Chemicals Americas, Inc.
55 East Uwchlan Avenue
Suite 201
Exton, Pennsylvania 19341
Information regarding types of products sold by AGCCA and sales of those products to customers

Mr. Gary Eckrote
Senior Director of Business
AGC Chemicals Americas, Inc.
55 East Uwchlan Avenue
Suite 201
Exton, Pennsylvania 19341
Information regarding types of products sold by AGCCA and sales of those products to customers

Dan Imms
SHE and Industrial Relations Manager
AGC Chemicals Americas, Inc.
255 South Bailey Road
Downingtown, Pennsylvania 19335
Information regarding AGCCA SDSs

Jonathan Clapp
Senior Manager, Supply Chain
55 East Uwchlan Avenue
Suite 201
Exton, Pennsylvania 19341
Information regarding AGCCA sales and supply chain

AGCCA further states that it is likely that other individuals whose identities are currently unknown to AGCCA, including but not limited to plaintiff's healthcare providers, family members, co-workers, and employers, likely have information related to plaintiff's health conditions, employment history and alleged exposure to PFAS materials and the defenses that AGCCA may assert to his claims in this case. In addition, employees of other parties to this litigation, who are currently unknown to AGCCA, may be in possession of information that may be pertinent to AGCCA's defenses to plaintiff's claims. Employees of certain government agencies, including but not limited to the United States Environmental Protection Agency, may also be in possession of information pertaining to AGCCA's defense of plaintiff's claims.

(ii) A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment:

The following categories of documents may be used to support AGCCA's defenses in this matter:

Sales and customer records pertaining to sales of AGCCA products to Ohio and elsewhere, located on AGCCA's computer e-mail systems and servers, with certain hard copy documents located at AGCCA's offices in Exton, Pennsylvania, and older materials maintained in outside storage at an Iron Mountain document storage facilities located at Malvern, Pennsylvania and Jersey City, New Jersey.

Scientific studies and reports regarding testing performed on the toxicology and environmental characteristics of PFAS chemicals, provided to the United States Environmental Protection Agency and provided to and received from the FluoroCouncil, maintained on document servers maintained by AGCCA in Exton, Pennsylvania and/or Thorndale, Pennsylvania, e-mail systems on Microsoft Office 365 Cloud, hard copy files located at AGCCA's offices in Exton, Pennsylvania, and older materials maintained in outside storage at an Iron Mountain document storage facility located at Malvern, Pennsylvania.

Safety Data Sheets generated by the WERCS system maintained on AGCCA's computer system, with electronic documents stored on AGCCA's computer servers in Thorndale, Pennsylvania.

Product brochures and sales information maintained on AGCCA's computer server in Exton, Pennsylvania and also available on AGCCA's website, <https://www.agcchem.com/>

(iii) A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other

evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered:

Not applicable.

(iv) For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment:

AGCCA continues to evaluate the applicability of insurance agreements to the claims asserted in this matter and will identify any such insurance agreements that may provide coverage for the claims asserted in this action upon completion of its investigation and evaluation.

Dated: January 31, 2020

/s/ Carl A. Aveni

Carl A. Aveni, Bar No. 0070664

(Trial Attorney)

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CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that the foregoing was electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing, this 31st day of January, 2020. Parties may access this filing through the Court's system.

/s/ Carl A. Aveni

Carl A. Aveni (0070664)